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7 Attorneys for Defendant
United States Fire Insurance Company

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 COPART INC.,

Case No.: C 07 2684 CW (EDL)

12 Plaintiff,

[PROPOSED]

13 vs.

ORDER:

14 CRUM & FORSTER INDEMNITY
COMPANY¹, UNITED STATES FIRE
INSURANCE COMPANY, and DOES 1-10,

(1) GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT ON PLAINTIFF'S
COMPLAINT;

15 Defendants.

(2) DISMISSING AS MOOT
DEFENDANT'S COUNTERCLAIM
FOR REFORMATION; AND

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(3) DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

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Date: August 21, 2008

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Time: 2:00 p.m.

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Action File: March 20, 2007
Trial Date: November 10, 2008

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AND RELATED COUNTERCLAIM

¹ Dismissed by Order Upon Stipulation (6/15/07).

1 The parties have filed cross-motions for summary judgment. Defendant's objections to
2 plaintiff's evidence are SUSTAINED. Having considered all of the admissible evidence and
3 argument, the Court rules as follows:

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- 5 1. Defendant's motion for summary judgment on plaintiff's complaint is GRANTED.
6 Plaintiff's complaint is hereby DISMISSED.
- 7 2. In light of the dismissal of plaintiff's complaint, defendant's counterclaim for
8 reformation is DISMISSED as moot.
- 9 3. Plaintiff's motion for summary judgment is DENIED.

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11 Defendant's counterclaim for negligent misrepresentation and concealment remains set
12 for trial.

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14 IT IS SO ORDERED.

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16 Dated: _____

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